

CITY UTILITIES COMMITTEE

MINUTES

MAY 15, 2007

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, May 15, 2007 at 9:17 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Howard Shook
The Honorable Clair Muller
The Honorable Natalyn M. Archibong
The Honorable Ivory L. Young, Jr.

Others present at the meeting were: Renee Shepherd, Stefanie Grant and Marc Goncher, Law Department; Deputy Commissioners Shelia Pierce, George Barnes, Sally Mills and Joseph Basista, Department of Watershed Management; Madelyn Grant, James Swope and Nursef Kadir, Department of Public Works; members of the public and Council Staff.

Chairwoman Smith called the meeting to order at 9:17 a.m. after declaring a quorum present. She then proceeded with the following order of business.

A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD THREE RESOLUTIONS

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. ORDINANCES FOR FIRST READING

07-O-0937 (1) An Ordinance by City Utilities Committee amending Article V, Chapter 154, Section 301 of the Code of Ordinances so as to provide for modifications to the City of Atlanta Industrial Pretreatment Program; to set allowable pollutant levels on process discharges for industrial users; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

- 07-O-0938 (2) An Ordinance by City Utilities Committee to amend the 2007 (2005 Water and Wastewater Renewal and Extension Fund) Budget by anticipating and appropriating \$19,000,000.00 in proceeds from a loan, #2005L05WQ, from the Georgia Environmental Facilities Authority (GEFA) to partially finance the construction of the West Area Combined Sewer Overflow Storage Tunnel; authorizing the Chief Financial Officer to anticipate and appropriate in the Water and Wastewater Renewal and Extension Fund all future reimbursement loan proceeds to the City from GEFA Funds and GEFA Administered Funds that finance or partially finance Water and Wastewater Treatment and Collection System Capital Improvement Projects approved by GEFA to receive said funding; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

- 07-O-0956 (3) An Ordinance by City Utilities Committee to repeal Section 154-73, Chapter 154, Article III, Division 1, Water, of the City of Atlanta Code of Ordinances; and to establish comprehensive water use restrictions, authorize the Mayor or her designee to set outdoor water use restrictions based upon drought response levels declared by the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia; to provide for additional water use restrictions during emergency conditions, repairs and water shortages, to establish provisions for adequate enforcement of outdoor water use schedules and other water use restrictions during emergency conditions, repairs and water shortages; and for other purposes.

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D. ORDINANCES FOR SECOND READING

- 07-O-0708 (1) An Ordinance by City Utilities Committee amending the FY 2007 (2004 Water and Wastewater Bond Fund) Budget in the amount of \$4,000,000.00 to transfer funds from the Reserve for Appropriations for construction services for the South River Upgrade-Headworks Project; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 07-O-0709 (2) An **Amended** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the 2007 (Water and Wastewater) Budget, on behalf of the Department of Watershed Management, in the amount of \$6,411,111.78 by transferring funds from 2J27 (2001 Water & Wastewater Bond Fund) 791001 (Reserve for Appropriations) T11001 (Reserve of Fund Appropriations) to 2J27 (2001 Water and Wastewater Bond Fund) 529023 (Arbitrage Rebate) T31001 (Unallocated Fund Wide Expenses), to pay an installment of Rebatable Arbitrage for the Water Wastewater Revenue Bonds 2001C (ARC) and Series 2001C (Variable Rate Demand) to the Internal Revenue Service; and for other purposes.
(Councilmember Young made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-O-0710 (3) An **Amended** Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the Fiscal Year (2007 Water and Wastewater Bond Fund) Budget on behalf of the Department of Watershed Management, in the amount of \$11,200,000.00 to transfer funds from the Reserve for appropriations for Water and Wastewater Improvements for the McDaniel Glenn Revitalization Project; and for other purposes.
(Councilmember Young made a motion to approve as amended.)

FAVORABLE AS AMENDED

ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-0732 (4) An **Amended** Ordinance by City Utilities Committee authorizing the Mayor or her designee to execute all appropriate documents for the acquisition of certain permanent easements, temporary construction easements, rights-of-way or other necessary property interests associated with Sewer Group One Rehabilitation Projects, Sewer Group Two Rehabilitation Projects, Sewer Group Three Rehabilitation Projects, Sewer Group Four Rehabilitation Projects, Sewer Group Five Rehabilitation Projects and Sewer Group Six Rehabilitation Projects; to negotiate with property owners to acquire necessary permanent easements, temporary construction easements, rights-of-way or other necessary property interests, including condemnation proceedings; authorizing the waiver of applicable portions of Article X of the City's Real Estate and Procurement Code; authorizing the City Attorney to proceed with the Declaration of Taking Method authorized by O.C.G.A. §§22-3-140 and 32-3-4 to acquire title to rights-of-way, easement and other related property interests necessary to complete the Sanitary Sewer Rehabilitation Projects, on behalf of the Department of Watershed Management; all contracted work will be charged to and paid from the appropriate Account and Center Numbers associated with Funds 2J21, 2J27 and 2J28 and future Water and Sewer Bond Funds; and for other purposes.
(Councilmember Young made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-O-0733 (5) An Ordinance by City Utilities Committee authorizing the Mayor or designee to enter into appropriate Railroad Crossing Agreements with CSX Transportation, Inc. and Norfolk Southern Railway Company associated with Sewer Group One Rehabilitation Projects, Sewer Group Three Rehabilitation Projects, Sewer Group Four Rehabilitation

ORDINANCES FOR SECOND READING (CONT'D)

Projects, Sewer Group Five Rehabilitation Projects, and Sewer Group Six Rehabilitation Projects, on behalf of the Department of Watershed Management; all costs associated with said agreements will be charged to and paid from the appropriate Account and Center Numbers of Funds 2J21 and 2J28 and future Water and Sewer Bond Funds; and for other purposes.

(Councilmember Young made a motion to approve)

FAVORABLE

- 07-O-0734 (6) An **Amended** Ordinance by City Utilities Committee authorizing automobile expense reimbursement for the following position Numbers: 45850, 45891, 45423, 45849, 10020, 21052, 21053, 21056, 21057, 45857, 45859, 45894, 45895, 45851, 45858, 45896, 45897, 45898, 45904, 19270, 45900, 45901, 45902, 45892 and 45893 on behalf of the Department of Public Works, to be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Fund) 527005 (Auto Allowance) M65001 (Project Development & Implementation); and for other purposes.

(Councilmember Young made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-O-0755 (7) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2007 (Water and Wastewater Renewal and Extension Fund) Budget in the amount of \$8,345,501.86 for the purpose of providing additional funding for Contract FC-7093-99, Program Management Services for the Atlanta Wastewater System Improvements Program, for Renewal Agreement No. 2, for the period of May 27, 2007 to May 26, 2008; and for other purposes.

(Councilmember Young made a motion to approve)

FAVORABLE

ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-0872 (8) An Ordinance by Finance/Executive Committee **as substituted by City Utilities Committee** to reduce the scheduled increases for monthly Water and Sewer Rates for the City of Atlanta, Georgia, as authorized by Chapter 154, Article III, Division 3, Sections 154-111 and 154-112 (Water Rates and Charges) and Chapter 154, Article V, Division 3, Sections 154-276 and 154-277 (Sewer Rates and Charges); and for other purposes. **(Advertised for a Public Hearing 5/23/07 at 6:00 p.m.)**
(Councilmember Smith made a motion to hold.)

SUBSTITUTED AND HELD

- 07-O-0979 (9) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Fair Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.093 acre more or less, and being more specifically described as Tract "1" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing)**
(Councilmember Smith made a motion to hold.)

HELD

- 07-O-0980 (10) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Castleberry Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.115 acre more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(To be advertised for a Public Hearing)**
(Councilmember Smith made a motion to hold.)

HELD

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-0982 (11) An Ordinance by Councilmember Kwanza Hall to **abandon** that portion of John Wesley Dobbs Avenue, NE located between Jackson Street and the Dead End of John Wesley Dobbs Avenue consisting of 11,914 square feet (0.27 acre), more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 46 of the 14th District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 5/29/07 at 9:00 a.m.)**
(Councilmember Smith made a motion to hold.)

HELD

- 07-O-0985 (12) An Ordinance by Councilmembers Howard Shook and Carla Smith to **abandon** that certain portion of Bolling Way located between Pharr Road and Buckhead Avenue and also **abandon** a portion of Bolling Way located immediately north of the intersection of Bolling Way with Buckhead Avenue, such parcels consisting of a total of 0.47 acre, more or less, lying and being in Land Lot 99 of the 17th District, Fulton County, Georgia; and for other purposes. **(Advertised for a Public Hearing 5/29/07 at 9:00 a.m.)**
(Councilmember Smith made a motion to hold.)

HELD

- 07-O-0995 (13) An Ordinance by Councilmembers Carla Smith and Ivory Lee Young, Jr. **as substituted by City Utilities Committee** authorizing the abandonment of obsolete sewer easements on certain property located in Land Lots 149 and 150 of the 17th District of Fulton County, Georgia; authorizing the acceptance of new sewer easements for the new sewer improvements constructed by Tivoli 643 Holdings, LLC, or any successor, and as dedicated by Tivoli 643 Holdings, LLC; authorizing the Mayor to execute any necessary documents and instruments for these purposes; authorizing the Mayor to execute an encroachment agreement with indemnification provisions to allow certain structures to be located on and within the new easements; and for other purposes.
(Councilmember Young made a motion to approve on substitute)

FAVORABLE ON SUBSTITUTE

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E. RESOLUTIONS

- 07-R-0936 (1) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Dreamsan, Inc., for FC-6004007836, Recycling Program, on behalf of the Department of Public Works; to authorize payment of invoices for final 120 days in the current Fiscal Year in an amount not to exceed \$675,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 1A01 (General Funds) 524001 (Consultant/Professional Services) M38301 (Recycling & Collection); and for other purposes.
(Councilmember Young made a motion to approve)

FAVORABLE

- 07-R-0957 (2) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Optimus Solutions, Inc., utilizing the State of Georgia Contract SWCGTA00546 for the purchase of Voice Over Internet Protocol Products and Services on behalf of the Department of Watershed Management in an amount not to exceed \$161,000.00; all contracted work will be charged to Fund, Account and Center Number: 2J01 (Water and Wastewater Revenue) 521101 (Consumable) Q81001 (Watershed Protection); and for other purposes.
(Councilmember Young made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 07-R-0967 (3) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Peniel Solutions, LLC Utilizing Federal Contract GS-35F-0411R for the Design, Implementation, and Management of a Voice Over IP (VOIP) Solution on behalf of the Department of Watershed Management in an amount not to exceed \$49,270.00; all contracted work will be charged to Fund, Account and Center Number: 2J01 (Water and Wastewater Revenue) 524001 (Consultants/Professional Services) Q81001 (Watershed Protection); and for other purposes.
(Councilmember Young made a motion to approve as amended.)

FAVORABLE AS AMENDED

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RESOLUTIONS (CONT'D)

- 07-R-0989 (4) A Resolution by Councilmember Anne Fauver authorizing the Mayor to enter into an agreement with 1075 Peachtree, LLC, for the construction and operation of a temporary tie-back support system, on behalf of the Department of Public Works; and for other purposes.

(Councilmember Shook made a motion to approve)

FAVORABLE

- 07-R-0994 (5) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$_____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.

(Councilmember Smith made a motion to held.)

HELD

F. PAPERS HELD IN COMMITTEE

- 06-O-0306 (1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller)**

HELD

- 06-R-0563 (2) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-0937 (3) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "***Riparian Buffer Requirements***"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

HELD

- 06-O-1454 (4) An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges, to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author)**

HELD

- 06-O-1573 (5) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions)**

HELD

- 06-O-1947 (6) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-0002 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

HELD

- (8) Appraisal of the **abandoned** portion of Lakeside Drive, NE, consisting of 19.50 acres proposed assemblage tract or \$1,300,000.00 per acre, or \$29.84 per square foot. **(Held 1/9/07 for further review)**

HELD

- 07-R-0566 (9) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Montgomery Watson (MWH Americas, Inc.)/Khafra Engineering Consultants, Inc., JV for FC-7093-99, Program Management Services for the Atlanta Wastewater System Improvements Program, on behalf of the Department of Watershed Management, in an amount not to exceed \$23,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension) 524001 (Consultant/Professional Services) Q11I050194DA (Program Management Services); and for other purposes.

FAVORABLE

- 07-R-0750 (10) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Players & Company, for FC-6006007947, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, on behalf of the Department of Watershed Management, in an amount not to exceed \$122,280.00; all contracted work will be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes. **(Held 5/1/07 at the request of the Department.)**

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G. REQUESTED ITEMS

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.
2. Councilmember Muller made a request to the Department of Finance and Department of Public Works to present to the Committee a status report on the 1994 G. O. Bond Projects.
3. Councilmember Muller requested the Department of Watershed for report on collections and customer service next meeting.

H. ITEMS NOT ON AGENDA

07-R-0959 (1) A Resolution by City Utilities Committee correcting
*** Resolution 06-R-2042 which authorized funding for the
 Atlanta Infrastructure Managers, JV (FC-6005007989),
 Sewer System Evaluation Survey of Wastewater Collection
 and Transmission System Sewer Groups 3 and 4 by
 inserting the correct dollar amount (\$457,660.60) in the "be
 it further resolve clause" as is in the caption; and for other
 purposes.
 (Councilmember Young made a motion to approve.)

FAVORABLE

07-R-1000 (2) A Resolution by City Utilities Committee to authorize the
*** Mayor to enter into a Consent Agreement and to authorize
 payment pursuant to the Consent Agreement as requested
 by the Georgia Public Service Commission of the State of
 Georgia in the amount of \$2,000.00 to resolve an alleged
 violation of the Georgia Utility Facility Protection Act; and for
 other purposes.
 (Councilmember Young made a motion to approve.)

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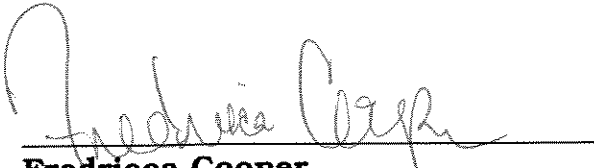
ITEMS NOT ON AGENDA (CONT'D)

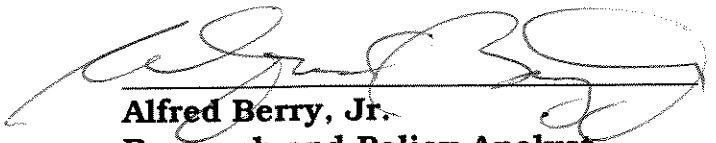
07-R-1001 (3) A Resolution by City Utilities Committee to authorize the
*** Mayor to execute a Renewal Agreement with Decanter
Machine, Inc., FC-6004007872, for TWAS Centrifuge
Maintenance and Repair, on behalf of the Department of
Watershed Management, in an amount not to exceed
\$1,300,000.00; all contracted work will be charged to and
paid from Various Fund, Account and Center Numbers; and
for other purposes.
(Councilmember Young made a motion to approve.)


FAVORABLE

**There being no further business to come before the Committee, the
meeting was adjourned at 10:50 a.m.**

Respectfully Submitted:


Fredrica Cooper
Legislative Assistant


Alfred Berry, Jr.
Research and Policy Analyst


The Honorable Carla Smith, Chair
City Utilities Committee